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In re Application of	:	
ARNOLD-HUYSER et al.	:	
Application No.: 10/532,199	:	DECISION
PCT No.: PCT/US03/33284	:	
Int. Filing Date: 20 October 2003	:	
Priority Date: 21 October 2002	:	
Attorney Docket No.: 026032-4901	:	
For: POINT OF INTEREST DISPLAY SYSTEM	:	

This is a decision on applicants' "RENEWED PETITION UNDER 37 C.F.R. 1.47(a)" filed 07 February 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 20 October 2003, applicants filed international application PCT/US03/33284, which designated the United States and claimed a priority date of 21 October 2002. A copy of the international application was communicated from the International Bureau to the USPTO on 06 May 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 21 April 2005.

On 21 April 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date.

On 22 September 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required.

On 23 February 2006, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors, a petition/fee for a three-month extension of time, a copy of an e-mail from Jodi Hemmeke to Nathaniel St. Clair, and a copy of a receipt for certified mail.

On 25 April 2006, a decision was mailed dismissing applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided and that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor had not been provided.

On 16 October 2006, applicants submitted a "RENEWED PETITION UNDER 37 C.F.R. 1.47(a)" which was accompanied by, *inter alia*, a petition/fee for a four-month extension of time, an affidavit of Jodi Hemmeke, a copy of an e-mail from non-signing inventor John Bambini to Jodi Hemmeke dated 18 December 2005, an e-mail from Jodi Hemmeke to John Bambini dated 20 December 2005, an e-mail from Jodi Hemmeke to John Bambini dated 26 January 2006, a copy of a letter from Nathaniel St. Clair II to John Bambini dated 07 February 2006, a copy of a receipt for certified mail, and a copy of an e-mail from Jodi Hemmeke to John Bambini dated 22 June 2006.

On 13 November 2006, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.47(a). Specifically, it was noted that it was not clear whether Mr. Bambini had been presented with a complete copy of the "application papers (specification including claims, drawings, and an oath or declaration)."

On 07 February 2007, applicants submitted the instant renewed petition under 37 CFR 1.47(a), which was accompanied by, *inter alia*, a copy of a letter sent to Mr. Bambini on 31 January 2007, a copy of an executed receipt of certified mail for this letter, and a copy of the documents sent with this letter.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

As noted in the decision mailed 25 April 2006, items (1) and (3) have been met.

As noted in the decision mailed 13 November 2006, item (4) has been met.

Item (2) has now been met as well. It is clear that Mr. Bambini was presented with a copy of the application papers including the specification, claims, drawings, and declaration.

CONCLUSION

For the reasons set forth above, applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **16 October 2006**.



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